

Indiana Real Estate Commission

April 20, 2011

MINUTES

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Commissioner Lunsford called the meeting to order at 8:50 a.m. in Conference Center Room C of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present:

Mark Bock
Paul Boyter
Norman E. McClain
Timothy M. Reed
Michael Lunsford
Sue Cox
DJ Hines
H. James Litten

Commission Members Absent:

Charles (Charlie) W. Shook
Carolyn McClintock
Susan Daniel
Jarod Brown

State Officials Present:

Jeanette Roberts, Commission Director, Indiana Professional Licensing Agency
Diana Johnson, Case Manager, Indiana Professional Licensing Agency
Eric Felde, Commission Litigation Specialist, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Counsel, Office of the Attorney General

Transcriptionist:

Sherri Rutledge

II. APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes from the last meeting of the Commission.

Bock/McClain
8/0/0 Motion carried.

III. ADVISORY COUNSEL'S REPORT

Jim Schmidt gave a short report.

IV. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Gabrielle Owens reported that they currently have 134 investigations open and 54 of those have closed. They have filed 18 administrative complaints and have closed 2 litigation files. She also states that the oldest open file they have is from 2008.

V. STATUS OF LICENSEES ON PROBATION

Eric Felde, Litigation Specialist gave a short report on the status of licensees on probation.

VI. ADMINISTRATIVE HEARINGS

A. In the matter of the license of Brenda Hatfield

IREC 11-26

Re: Petition for Summary Suspension

Present:

William Lawson, DAG

Respondent not present.

Witness:

Phillip Turner, Investigator

The state presents their case. The Commission reviewed the statement from Hatfield's attorney.

A motion was made and seconded to summarily suspend the license of Brenda Hatfield.

McClain/Reed

8/0/0 Motion carried.

B. State of Indiana v. James Clayborn

IREC 09-37

Re: Petition for Withdrawal of Probation

Present:

James Clayborn

Joe Basile, DAG

A motion was made and seconded to withdraw the probation on the license upon receipt of the proof of payment of restitution.

McClain/Bock

8/0/0 Motion carried

C. In the matter of the license Joy Neuenschwander

IREC 10-22

Re: Petition for Withdrawal of Probation

Present:

Joy Neuenschwander

A motion was made and seconded to withdraw the probation on the license.

Boyter/McClain

8/0/0 Motion carried.

D. State of Indiana v. Pamela Proctor

IREC 10-05

Re: Petition for Withdrawal of Probation

Present:

Pamela Proctor

Joe Basile, DAG

A motion was made and seconded to withdraw the probation on the license.

Cox/Boyter
8/0/0 Motion carried.

VII. PERSONAL APPEARANCE

A. William Brosius

Mr. Brosius explains the circumstances surrounding the convictions.

A motion was made in seconded to approve the application.

Litten/McClain
8/0/0 Motion carried.

VIII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. In the matter of the license of Noel Pottinger

IREC 11-06
Re: Summary Suspension Renewal

A motion was made and seconded to renew the summary suspension of Noel Pottinger's license.

McClain/Cox
8/0/0 Motion carried.

B. In the matter of the license of Shalonda Morgan

IREC 11-01
Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

McClain/Hines
7/0/1 (Bock abstained) Motion carried.

C. In the matter of the license of Penny F. Lounder

IREC 11-02
Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

McClain/Reed
7/0/1 (Bock abstained) Motion carried.

D. In the matter of the unlicensed practice of Jay Thomas

IREC 11-23
Re: Motion for Order to Cease and Desist

A motion was made and seconded to issue an Order To Show Cause to Mr. Thomas and require a hearing before the Commission.

McClain/Litten
8/0/0 Motion carried.

IX. CONTINUING EDUCATION AUDIT ACTIONS

A. In the matter of Renae Weghorst IREC 11-15 Re: Appeal of Notice of Noncompliance

Present:
Renae Weghorst

Ms. Weghorst states that she did send everything in and we didn't get it.

A motion was made and seconded to find that she met the requirements and the NON is not appropriate.

Boyter/Cox
8/0/0 Motion carried.

X. CONTINUING EDUCATION NON COMPLIANCE

A. Danielle Hisaw

Due to Ms. Hisaw's failure to pay the civil penalty issued under the Notice of Noncompliance, a motion was made and seconded to suspend her license until the civil penalty is paid.

McClain/Bock
8/0/0 Motion carried.

XI. OLD/NEW BUSINESS

A. Taskforce Update

Mike Lunsford explains the status of the taskforce progress.

B. Renewal applicants for conditional license

1. Michael Dye
2. Josh Wakefield

Both of the applicants above completed the pre-licensing course in lieu of the required continuing education. A motion was made and seconded to accept the prelicensing course hours to count as the required CE in this instance because they are not the courses they used to get licensed initially.

McClain/Bock
8/0/0 Motion carried.

C. Kelly Randall

Ms. Randall completed the requirements for removal of suspension prior to the Commission's order from last meeting. A motion was made and seconded to stick with suspension and reinstate her license.

Bock/McClain
8/0/0 Motion carried.

XII. APPLICATION REVIEW

A. Positive Responses

1. Carrisa Adams A
2. Jamesha Norwood A
3. Dee Ann Snyder A
4. Robert Knecht A

All applications listed above are approved by the Commission.

McClain/Litten
8/0/0 Motion carried.

B. Application for Acceptance of Real Estate College Course Credit

1. Erica Davis A

The application listed above is approved by the Commission.

Reed/McClain
8/0/0 Motion carried.

XXI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned at 10:45 a.m.

Carolyn McClintock, Chair